

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MICHAEL BROWN,**

**Plaintiff,**

**v.**

**Case No. 19-CV-1285**

**DAVID CLARKE,**

**Defendant.**

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**ORDER**

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On August 24, 2021, the defendant filed a motion for summary judgment. (ECF No. 24.) On September 3, 2021, the court issued an order notifying *pro se* plaintiff Michael Brown that he had until October 4, 2021 to file a response to the defendants' motion for summary judgment. (ECF No. 30.) The court warned Brown that if he failed to file a response or ask for more time to file a response, the court would accept all facts asserted by the defendants as undisputed, which would likely result in summary judgment being granted in the defendants' favor and the case being dismissed.

The October 4, 2021 deadline has passed, and Brown still has not filed a response. As such, the court will construe the motion as unopposed. The court has reviewed the defendant's motion, brief in support, and the undisputed facts, *see* Fed. R. Civ. P. 56(e)(2), and concludes that the defendant is entitled to summary

judgment on the merits. Accordingly, the defendant's motion is granted, and the case is dismissed with prejudice.

**IT IS THEREFORE ORDERED** that the defendant's motion for summary judgment (ECF No. 24) is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED with prejudice**. The Clerk of Court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within **30 days** of the entry of judgment. *See* Federal Rule of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. *See* Federal Rule of Appellate Procedure 4(a)(5)(A).

Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within **28 days** of the entry of judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2).

A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate.

Dated at Milwaukee, Wisconsin this 22nd day of October, 2021.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Nancy Joseph", is written over the printed name.

NANCY JOSEPH  
United States Magistrate Judge